

## REMARKS

Prior to this amendment, claims 2, 5-15, 17-22 and 32-52 were pending in the application. By this amendment, claims 5, 8, 9, 10, 40, 51, and 52 have been amended. Thus, claims 2, 5-15, 17-22 and 32-52 are in the case

All claims as presented herein are fully supported by the application as filed and entry of the amendment is respectfully requested. Applicants offer the following remarks in response to comments made in the Office Action.

Claims 8-10 and 51-52 have been amended to correct a typographical error in the name “imidazo[4,5-f]-[1,10]phenanthroline”; namely, the opening bracket in front of the “1” was missing.

The following paragraph numbers are used to denote the paragraphs in the Office Action dated August 8, 2007 to which they apply.

4. Applicants thank the Examiner for her finding that the 35 U.S.C. 112, 2<sup>nd</sup> paragraph, rejection of claim 10, the 35 U.S.C. 102 rejection of claims 1-7 based on Sun *et al.*, and the 102(b) and 103(a) rejections based on JP 2001-23777 have all been overcome.

5. The Examiner has rejected claims 40-47, 49 and 50 under 35 U.S.C. 112, first paragraph, as failing to comply with written description requirement, stating that “is not further substituted” is allegedly not given clear support in the specification. Applicants traverse this rejection. However, in an effort to expedite prosecution of this application, Applicants have amended claim 40 to remove this phrase. Withdrawal of the rejection and reconsideration of claims 40-47, 49 and 50 are respectfully requested.

8. The Examiner has rejected claims 2, 5, 11-14, 40, 41 and 44-47 under 35 U.S.C. 102(b) as being anticipated by Wu *et al.*, *Transition Metal Chem.*, 24: 299-303 (1999) (“Wu *et al.*”). Applicants traverse this rejection. However, in an effort to expedite prosecution of this application, Applicants have amended independent claims 5 and 40.

Specifically, claim 5 has been amended in two ways. First, per the Examiner’s suggestion, the phrase “having a formula (1)” has been replaced by the phrase “represented by

formula (1)". Second, the definition of Y has been changed to delete hydrogen.

Specifically, claim 40 has been amended in three ways. First, per the Examiner's suggestion, the phrase "having a formula (1)" has been replaced by the phrase "represented by formula (1)". Second, the definition of Z has been amended to remove phenyl and naphthyl. Third, as discussed in paragraph number 5 above, the definition of a said substituent has been amended to remove the phrase "is not further substituted and".

Each of method claims 8, 9, 51 and 52 has been amended to correspond to its respective base claim, notwithstanding that these claims are withdrawn from consideration. This is for consistency with amended independent claim 5 and 40, and because Applicants expect that when claims 5 and 40 are found allowable, method claims 8, 9, 51 and 52 will be rejoined.

Applicants respectfully submit that current claims 5 and 40, and claims dependent therefrom are not anticipated by Wu *et al.* since the claimed compounds are not taught anywhere in Wu *et al.* Applicants respectfully request withdrawal of the rejection and reconsideration of claims 2, 5, 11-14, 40, 41 and 44-47.

9. The Examiner has rejected claims 40-43, 46 and 47 under 35 U.S.C. 102(b) as being anticipated by Bian *et al.*, *Polyhedron*, 21: 313-319 (1999) ("Bian *et al.*"). Applicants traverse this rejection. As discussed above, claim 40 has been amended; Applicants submit that current claim 40 and claims dependent therefrom are patentable over Bian *et al.* Applicants respectfully request withdrawal of the rejection and reconsideration of claims 40-43, 46 and 47.

10. The Examiner has rejected claims 40-43, 46, 47, 49 and 50 under 35 U.S.C. 102(a) as being anticipated by Sun *et al.*, *Chem. Commun.* 702-703 (2003) ("Sun *et al.*"). Applicants traverse this rejection. As discussed above, claim 40 has been amended; Applicants submit that current claim 40 and claims dependent therefrom are patentable over Sun *et al.* Applicants respectfully request withdrawal of the rejection and reconsideration of claims 40-43, 46, 47, 49 and 50.

11. The Examiner has rejected claims 2, 5, 11-14, 40, 41 and 44-47 under 35 U.S.C. 102(a) as being anticipated by Zhang *et al.*, *Inorg. Chim. Acta.* 339: 34-40 (2002) ("Zhang *et al.*"). Applicants traverse this rejection. As discussed above, independent claims 5 and 40 have been amended; Applicants submit that these claims and those dependent therefrom are not anticipated by Zhang *et al.* Applicants respectfully request withdrawal of the rejection and reconsideration of claims 2, 5, 11-14, 40, 41 and 44-47.

13. The Examiner has rejected claims 44, 45, 49 and 50 under 35 U.S.C. 103(a) as obvious in view of Bian *et al.* as applied to claims 40-43, 46 and 47 and further in view of Mori *et al.* (U.S. Patent No. 5,281,489). As discussed above, claim 40 has been amended; Applicants submit that current claim 40, reciting, "A compound represented by formula (1)" is non-obvious over *metal complexes* comprising the formula (1) structure. Applicants respectfully request withdrawal of the rejection and reconsideration of claims 44, 45, 49 and 50.

16. Applicants thank the Examiner for allowing claims 10 and 19-22. We appreciate the Examiner's suggestion regarding rewriting claims 6, 7, 17 and 18 in independent form to be allowable.

Applicants believe that no claim fees are due with the filing of this Response. However, should this belief be in error, any additional claims fees may be charged to Deposit Account 17-0110.

In view of the foregoing, Applicants submit that the pending claims are now in condition for allowance and respectfully request same. Should the Examiner wish to discuss this Response and Amendment, or the application, she is requested to telephone Carol Miernicki Steeg, agent for applicants, at 613-533-2342.

Respectfully submitted,



Carol Miernicki Steeg

Reg. No. 39,359

PARTEQ Innovations  
Room 1625, Biosciences Complex  
Queen's University  
Kingston, Ontario  
Canada K7L 3N6  
Phone: (613) 533-2342  
Facsimile: (613) 533-6853